IN RE: PETITION FOR ZONING VARIANCE N/S Joppa Road, 107' E of * DEPUTY ZONING COMMISSIONER Eddington Road (1772 Joppa Road) * OF BALTIMORE COUNTY 9th Election District 4th Councilmanic District * Case No. 92-29-A Nancy Tennant Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot and a rear yard setback of 10 feet, both in lieu of the required 30 feet and to amend the previously approved site plan in Case No. 82-42-A for a proposed addition in accordance with Petitioner's Exhib-

The Petitioner, by Charles Sparks, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1772 Joppa Road, consists of 0.349 acres more or less zoned B.R.-C.S.-2, and is improved with an office building and attached service bays for a Midas Muffler shop. Petitioner is desirous of constructing a 20' x 43' addition to the rear of the existing building to provide two additional service bays to accommodate growing business needs. Testimony indicated the requested variances are necessary to construct the proposed addition due to the location of existing improvements on the site. Testimony further indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the $\overset{\sim}{\mathrm{C}}$ $\overset{\sim}{\mathrm{C}}$ zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of October, 1991 that the Petition for Zoning Variance from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot and a rear yard setback of 10 feet, both in lieu of the required 30 feet and to amend the previously approved site plan in Case No. 82-42-A, for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, sub-O O iect to the following restrictions:

- 2-

G. Company

& ASSOCIATES, INC.

SUITE 110 - JEFFERSON BUILDING

105 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

823-3535

BALTIMORE COUNTY, MARYLAND.

point being 107.5 feet more or less Northeast from the centerline of Eddington

Road and running thence and binding on the Northwest side of Joppa Road the two

Beginning for the same at a point on the Northwest side of Joppa Road, said

DESCRIPTION FOR VARIANCE TO ZONING, 1772 EAST JOPPA ROAD, 9TH DISTRICT.

ASPELLMAN, LARSON

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioner shall submit a landscape plan for review and approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for final review and inclusion in the case file prior to the issuance of any permits.

3) All lighting for the subject property shall be directed away from any adjoining property.

4) If lubrication and oil changes are performed on the subject site, the method used for the elimination of waste oil must be in accordance with State Department of the Environment regulations.

5) The Petitioner has thirty (30) days from the date of this Order to take an appeal of this Decision. In the event that the Petitioner does not appeal this Decision, then by virtue of no appeal being taken, the Petitioner hereby consents and agrees to be bound by the restrictions stated above.

6) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

> Deputy Zoning Commissioner for Baltimore County

Case Number: 92-29-A
N/S Joppa Road, 107' E of
Eddington Road
1772 Joppa Road
9th Election District
4th Councilmanic
Petitioner(s):
Nancy Tennant
Hearing Date: Thursday
Sept. 26, 1991 at
2:00 p.m.

Variance: to allow a side yard

setback of 1 foot in lieu of the re-quired 30 feet; to allow a rear yard

setback of 10 feet in lieu of the re-quired 30 feet; and to amend the

CERTIFICATE OF PUBLICATION

TOWSON, MD., _

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _ weeks, the first publication appearing on _

THE JEFFERSONIAN.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ... weeks, the first publication appearing on ...

887-3353

Ms. Nancy Tennant 6555 Baltimore National Pike Baltimore, Maryland 21228

RE: PETITION FOR ZONING VARIANCE N/S Joppa Road, 107' E of Eddington Road (1772 Joppa Road) 9th Election District - 4th Councilmanic District Nancy Tennant - Petitioner Case No. 92-29-A

Dear Ms. Tennant:

111 West Chesapeake Avenue

Towson, MD 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

October 8, 1991

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. Charles Sparks P.O. Box 388, Damascus, Md. 20872

People's Counsel

File

Baltimore County Zoning Commisioner County Office Building Account: R-001-6150 117 West Chesapoake Avenue 577 (71)

Please Make Checks Payable To: Baltimore Gounty 03:01PH07-15-91

Baltimore County Zoning Commisioner County Office Building 11 West Chesapeake Avenu owson, Maryland 21204

JAN + POST RETURNED JLL

36日本計劃中**设料**(公共)。 A CD01:378mA9=24.50 Please Make Checks Payable To: Bottimore County

Variance: to allow a sile yard setback of 1 foot in tieu of the required 30 feet; to allow a rear yard setback of 10 feet in tieu of the required 30 feet; and to amend the previous approved to amend the Zoning Commissir Baltimore T/J/8/151 August 15.

following courses and distances by a curve to the left having a radius of 5694.58 feet with a length of 89.86 feet being subtended by a chord hearing North 77 Degrees 26 Minutes 35 Seconds East 89.86 feet, thence by another curve to the left having a radius of 481.30 feet with a length of 14.55 feet, being subtended by a chord bearing North 76 Degrees 07 Minutes 30 Seconds East 14.55 feet, thence leaving said Northwest side of said Right-of-Way North 12 Degrees 16 Minutes 53 Seconds West 153.35 feet, thence South 73 Degrees 31 Minutes 15 Seconds Mest 104.68 feet thence South 12 Degrees 16 Minutes 53 Seconds Fast 146.52 feet to the point of Containing 0.349 acres of land more or less

ROBERT E. SPELLMAN. P.L.S. JOSEPH L. LARSON LOUIS J. PIASECKI, P. E.

92-29-A

GRADING STUDIES . LOCATION SURVEYS : TECHNICAL CONSULTATION

Petition for Variance to the Zoning Commissioner of Baltimore County The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

238.2 to allow a sideyard setback of 1.0 feet in lieu of the required 30.0 feet and to allow a rear yard setback of 10.0 feet in lieu of the required 30.0 feet and to amend the previous Approved Variance Plan in Zoning Case 82-42-A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) There is a lack of a sufficient number of working bays necessary for customer service. Addition to alliviate this condition is necessary

and is requested. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

which is the subject of this l'elition. Contract Purchaser/Lessee: Douglas Tennant NANCY TENNANT (Type or Print Name) (Type or Print Name) MAP NEIOCY MONEY Semment D. _____ (Type or Print Name) 6555 Baltimore National Pike 744-2975 Attorney for Petitioner: (Type or Print Name) -----Baltimore MD 21228 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Mr Charles Sparks - Agent P O Box 388 Damascus MD 20872 City and State Phone No. (301)253-5531

ORDER RECEIVED FOR FILING

Attorney's Telephone No.: _____ ESTIMATED LENGTH OF HEARING (-1/2HR.

beginning.

AVAILABLE FOR HEARING ALL MON. TUES. /WED. - NEXT TWO MORTHS LAND PLANNING . SUBDIVISION LAYOUT . FEASIBILITY STUDIES . ESTIMATING

previous approved variance pla in Zoning Case #82-42-A. Zoning Commissioner Battimore Cour T/J/8/151 August 15.

TOWSON, MD., ___

TOWSON TIMES,

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

DATE: 8 27 91

111 West Chesapeake Avenue

Towson, MD 21204

Nancy Tennant

6555 Baltimore National Pike Baltimore, Maryland 21228

Case Number: 92-29-A N/S Joppa Road, 107' E of Eddington Road 1772 Joppa Road 9th Election District - 4th Councilmanic Petitioner(s): Nancy Tennant HEARING: THURSDAY, SEPTEMBER 26, 1991 at 2:00 p.m.

Dear Petitioner(s):

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

graph with the control of the contro

02 10 F

111 West Chesapeake Avenue Towson, MD 21204

MIGUST 2, 1991

887-3353

887-3353

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

NOTICE OF HEARING

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

Case Number: 92-29-A N/S Joppa Road, 107' E of Eddington Road 1772 Joppa Road 9th Election District - 4th Councilmanic Petitioner(s): Nancy Tennant HEARING: THURSDAY, SEPTEMBER 26, 1991 at 2:00 p.m.

Variance to allow a side yard setback of 1 feet in lieu of the required 30 feet; to allow a rear yard setback of 10 feet in lieu of the required 30 feet; and to amend the previous approved variance plan in Zoning Case #82-42-A.

J. Robert Haines

cc: Nancy Tennant Charles Sparks

111 West Chesapeake Avenue

Towson, MD 21204

Zoning Commissioner of Baltimore County

111 West Chesapeake Avenue Towson, MD 21204

Office of Planning & Zoning

Baltimore County Government Office of Zoning Administration

and Development Management

887-3353

Ms. Nancy Tennant 6555 Baltimore National Pike Baltimore, MD 21228

> RE: Item No. 18, Case No. 92-29-A Petitioner: Nancy Tennant Petition for Variance

September 12, 1991

Dear Ms. Tennant:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

BALTIMORE COUNTY, MARYLAND

Arnold Jablon, Director DATE: September 10, 1991

INTER-OFFICE CORRESPONDENCE

In reference to the petitioner's request, staff offers the

Should the applicant's request be granted, a landscape plan shall be submitted to the Baltimore County landscape planner subject

to the approval of the deputy director of the Office of Planning and

provide additional information, please contact Jeffrey Long in the

If there should be any further questions or if this office can

Zoning. A copy of the approved plan should be forwarded to the

Zoning Office to be maintained in the official file.

Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Nancy Tennant, Item No. 18

Office of Planning at 887-3211.

following comment:

PK/JL/pat

ZSHELL/TXTROZ

JED:jw

Enclosures

Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 10, 1991 Zoning Administration and

Development Management Pat Keller, Deputy Director

Office of Planning and Zoning SUBJECT: Nancy Tennant, Item No. 18

12-29-H

In reference to the petitioner's request, staff offers the following comment:

ZONING COMMISSIONEF

Should the applicant's request be granted, a landscape plan shall be submitted to the Baltimore County landscape planner subject to the approval of the deputy director of the Office of Planning and Zoning. A copy of the approved plan should be forwarded to the Zoning Office to be maintained in the official file.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

ZSHELL/TXTROZ

DIVISION OF GROUND WATER MANAGEMENT

Zoning Advisory Committee Meeting of July 30, 1991

Property Owner: Ms. Nancy Tennant Location: N/S Joppa Rd.107' E of Eddington Road (#1772 Joppa Road), D-9,

If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

SSF:rmp

7/26/91 BAL MORE COUNTY, MAR AND C DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

July 24, 1991

Zoning Commissioner Office of Planning and Zoning

SUBJECT: Zoning Item #18

Water Supply: Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

18ZNG/GWRMK

\$14,5

RJF:bza

TO: Mr. Arnold Jablon, Director

FROM: Rahee J. Famili

SUBJECT: Z. A. C. Comments

Office of Zoning Administration

and Development Management

Z. A. C. MEETING DATE: July 30, 1991

BUREAU OF TRAFFIC ENGINEERING

Date: August 30, 1991

DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

This office has no comments for item numbers 505,

3, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30 and 31.

Traffic Engineer II

Baltimore County Government Office of Zoning Administration

887-3353

and Development Management Office of Planning & Zoning

Your petition has been received and accepted for filing this

24th day of July, 1991.

Petitioner: Nancy Tennant, et al

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE August 15, 1991

ZONING COMMISSIONER, DEPARTMENT ZONING QUE FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES SUBJECT:

ZONING ITEM #: *18
PROPERTY OWNER: Nancy Tennant LOCATION: N/W Joppa Road, 107' E of Eddington Rd (#1772 Joppa Road)

ELECTION DISTRICT: 9th COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION
 () NUMBER PARKING SPACES

- () RAMPS (degree slope) () CURB CUTS () SIGNAGE () BUILDING ACCESS
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.
 SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE
- REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0

 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

 The fire resistance ratinf of an exterior building wall shall

 The fire resistance with sections 905.2 and 905.3 of the 1990

 BOCA Basic Building Code.

 The entire building shall comply with the height and area(see back)

 The entire building shall comply with the height AVENUE,

 PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,

 TOWSON, MARYLAND 21204 PHONE 887-3900.
 - THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

- TO: Arnold Jablon, Director DATE: August 1, 1991 Zoning Administration and Development Management
- FROM: Robert W. Bowling, P.E.
- RE: Zoning Advisory Committee Meeting for July 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 505, 3, 7, 9, 10, 17, 18, 19, 21, 22, 23, 24, 27, 30 and 31.

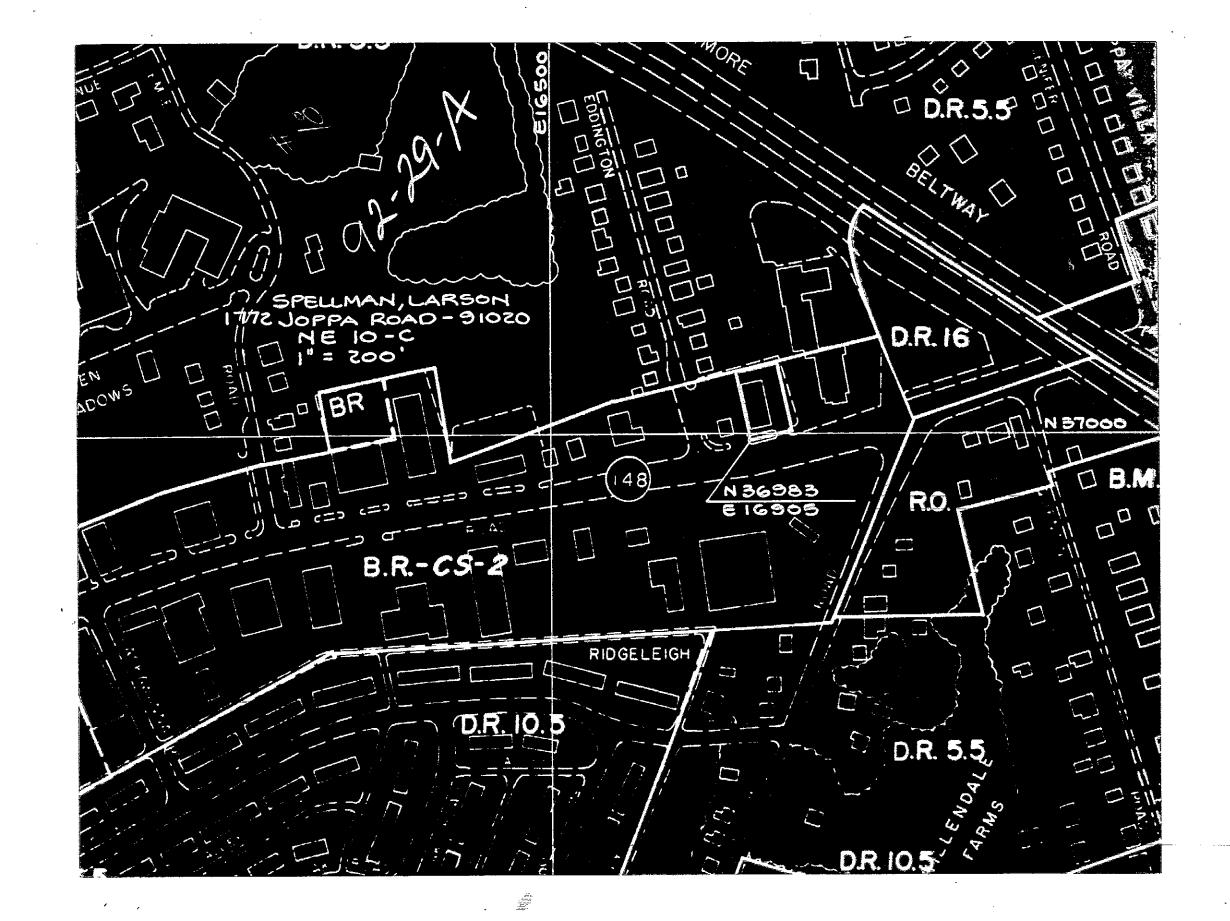
For Item 20, the extension of public water, sewer and paving may be required, prior to issuance of a building permit for this lot.

For Item 26, the previous County Review Group comments are still applicable.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

NAME	ADDRESS
DOUGLAS TENNANT	1911 RT 32 SYKESVILLE,
CHARLES SPARKS	8953 GUE RO DAMASCUS N





USE: RESIDENTIAL PROP. A' HIGH SCREELINGS BRICK D.B. 5.5 B.B. CS-2 EDGE PARKING 20' × 43' SICILIAN DELITE EX. BAY HESTAURAUT Ex. BAY SIVAY JOHN WESER 3.0 8. 130,2 -4.03 EX.BAT A 3.8 1617 - 1327 MAC PARKING EX BAY BRICK 1 1518 EX BAY _____ CHURCH STUCCO -----BLOG EX.OFFICE THE TAUSTEES OF ARMOUNA METHODIST ERISCOPAL CHURCH OF BAYNESVILLE 通信 医混合性一度医 LANDSCAPING -LANDSCAPING - 1-8:5694 58: __L.8:56

> ZONED: B.B. CS-2 USE: AUTO DEALERSHIP

CEP HB

VICINITY MAP SCALE 1" 500 WENEBAL NOTES

EXECTING ZONING ! BR. CS-2 PROPOSED ZOLING: B.R. C5-Z SITE AREA : 15202.44 S.F. / 0.349 Ac. ± FLOOR AREA RATIO CALC : 4945 + 15202.44 = 0.325 = 33 %

BUILDING AMEN: 4945 SQ.FT. PARKING REQUIRED: 4945 S.F. + 300 : 16.4 = 17 SPACES PARKING PROVIDED: IH/C SPACE (IZ'X 20')

13 SPACES (10' x 70') 8 BAYS TOTAL : ZS SPACES (10' x 25')

AUY STORAGE OF DAMAGED ON DISABLED VEHICLES WILL BE INDOORS

BALTO CO COUNCIL DISTRICT 4 SIGN: NO CHANGE TO EXISTING SIGN PUBLIC SEWER IS PROVIDED PUBLIC WATER IS PROVIDED

PREVIOUS COMMERCIAL PERMIT: C-1519 -81 ALL PARKING AND MANEUVERING AISLES ARE MACADAM AND ARE PERMENANTLY STRIPED.

PREVIOUS ZONING PETITION: 82-42-A, TO ALLOW A SIDE YARD SETBACK OF LO FOOT IN LIEU OF THE REQUIRED 30.0

VARIANCE FROM SEC. 238.2

TO ALLOW A SIDE YARD SETBACK OF 1.0 FOOT IN LIEU OF THE REQUIRED 30.0 FEET AND TO ALLOW A REAR

30.0 FEET AND TO AMEND THE PREVIOUS APPROVED VARIANCE PLAN IN ZONING CASE 82-42-A

YARD SETBACK OF 10.0 FEET IN LIEU OF THE REQUIRED

REVISIONS DESCRIPTION

SPELLMAN, LARSON ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS SUITE 110 , JEFFERSON BLDG., TOWSON, MD. , 21204 PHONE 823-3535

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

1772 JOPPA ROAD
THE ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE: 1'- 20'
DATE: 6 24 91 DES. BY: , N/A
DRN. BY: A F H/MDS. SHT

OSOIC MANAGEMENT OF THE PROPERTY OF THE PROPER